

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24727 of 2014

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HITAN RAI SON OF LATE JANAK RAI RESIDENT OF VILLAGE-
JURAWANPUR GOPALPUR, P.S.- BIDUUR, DISTRICT- VAISHALI
AT HAJIPUR (BIHAR).

.... Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MANJU DEVI WIFE OF RAM NARAYAN RAI, DAUGHTER OF
LATE GENA LAL RAI RESIDENT OF VILLAGE- RAMPUR
SHYAMCHAND, P.S.- RAGHOPR, DISTRICT- VAISHALI AT
HAJIPUR

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Ajay Kumar 1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 11-03-2015

The present application has been filed for
modification of order dated 13.05.2013 passed in Cr. Misc. No.
47453 of 2012 the extending the period of provisional bail,
whereby petitioner was granted provisional anticipatory bail for
one year in connection with Complaint Case No. 1160 of 2010
wherein processes have been directed to be issued after
cognizance being taken for the offences punishable under Sections
323 and 498A of the Indian Penal Code, pending in the court of
learned Sub-divisional Judicial Magistrate, Vaishali at Hajipur.

The provisional bail was to be confirmed by
the learned court below on dissolution of marriage. During

mediation petitioner and opposite party no. 2 resolved to part ways on transfer of a house as specified in the agreement and payment of rupees four lakhs to opposite party no. 2, whereupon the marriage was to be dissolved on filing the application under Section 13B of the Hindu Marriage Act.

This Court vide order dated 22.10.2014 extended the period of provisional bail for four months to comply the conditions of the agreement.

It is submitted by learned counsel for the petitioner that the application for dissolution of marriage under Section 13B of the Hindu Marriage Act is pending before the Principal Judge, Family Court, Vaishali at Hajipur whereas the house stipulated in agreement has been transferred by the petitioner in favour of the complainant and Rs.4,00000/-(Four lakhs) has already been paid to her.

This fact has not been controverted by Mr. Ashok Kumar, learned counsel appearing for opposite party no. 2. Moreover, opposite party no. 2 is not opposing the confirmation of bail of the petitioner.

It is submitted by learned counsel for the petitioner that the bail bond of the petitioner has not been cancelled till date.

In the circumstances, the order dated 13.05.2013 passed in Cr. Misc. No. 47453 of 2012 is modified to the extent that the provisional bail of the petitioner is, hereby, confirmed.

Accordingly, the modification application is disposed of.

(Dinesh Kumar Singh, J)

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